

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF INSPECTOR GENERAL

DATE: SEPTEMBER 8, 201	14 PREPARED BY:	
CASE #: OI-AR-2012-ADM-	0190 CROSS REFERE	ENCE #:
TITLE: AL),	SES,	, REGION (ET
,	CASE CLOSING REPORT	Γ
Subject(s)	Location	Other Data
	EPA Region	
 cash award and was promoted of allegation that two other EPA of subordinates was reviewed and three additional issues were addit	e of this sexual relationship, the Ever other more qualified candidate officials also had inappropriate relationed to be without merit. During tressed. The OIG investigated the every supervision of the EP outer and EPA email account for meaning the every supervision of the EP outer and EPA email account for meaning treatments.	tes. Additionally, a separate ationships with their g the course of the investigation, following: thip that presents the potential A employee. natters related to a non-profit rating with the EPA employee the because of the sexual
FINDINGS:		
and the EPA employ appearance of impartiality	yee had a close personal relations ty in supervision of the EP.	
The OIG determined the allegat	ion was supported. The investiga	tion disclosed that had a

• used EPA computer and EPA email account for matters related to a non-profit organization, the about the EPA employee about the .
The OIG determined the allegation was supported. A review of approximately thirty (30) email with keywords relating to the email from to the EPA employee which asked him/her to review a document.
• had a sexual relationship with the EPA employee and, because of the sexual relationship, gave the EPA employee cash awards and promotions.
The OIG determined the allegation was unsupported. The OIG investigation did not reveal evidence to substantiate the allegation that engaged in a sexual relationship with a subordinate EPA employee.
Office of Professional Responsibility (OPR), Office of Investigations (OI), Office of Inspector General (OIG), U.S. Environmental Protection Agency (EPA) received an email with an attached memorandum from Region has taken action against Region EPA. Region EPA for the allegations that were supported. As such, this case is being closed with no further action.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY WASHINGTON, D.C. 20460

OFFICE OF INSPECTOR GENERAL

APR 1 1 2014

MEMORANDUM SUBJECT: Region Arthur Elkins, Inspector General FROM: TO: Regional Administrator, Region REFERENCE: OIG Case No. OI-AR-2012-ADM-0190 RESTRICTED INFORMATION The U.S. Environmental Protection Agency (EPA) Office of Inspector General (OIG) initiated this investigation based on information received regarding allegations of employee misconduct by Region The enclosed report of investigation details three allegations of misconduct that were investigated by the OIG. Two of the allegations were found to be supported and the third was unsupported. The supported allegations involved (1) having a close personal relationship with a subordinate EPA employee, which presents the potential of an appearance of impartiality in supervision of the EPA employee and (2) computer and EPA email account for matters related to a non-profit organization, including communicating with the EPA employee regarding the non-profit organization. The third allegation, which the OIG found to be unsupported, alleged was having a sexual relationship with the subordinate EPA employee and, because of the sexual relationship, gave the EPA employee awards and promotions. These actions may have violated provisions of the following titles of the Code of Federal Regulations and/or EPA Orders: Title 5 CFR §2635.502 Personal and Business Relationships Title 5 CFR Subpart G § 2635.705(b) Use of Official Time EPA Order 3120.1 (11) Using government property or Government employees in duty status for other than the official purpose This information is submitted for your consideration and decision as to whether administrative

EPA employee. Please have your staff respond to

action is warranted. Note that this report and its enclosures were redacted in order to provide

confidentiality as requested by

Assistant Inspector General for Investigations (AIGI) Patrick Sullivan at (202) 566-0308 or Sullivan.Patrick@epa.gov with your decision within 30 days of the receipt of this document.

Attachment:

1. Report of Investigation



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

1301 CONSTITUTION AVE, NW EPA WEST BUILDING WASHINGTON, DC 20004

REFERRED FOR ACTION REPORT OF INVESTIGATION CONCERNING

SES,	REGION (ET AL)
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TABLE OF CONTENTS

Narrative Entities and Individuals Prosecutive Status Exhibits Section A Section B Section C

Distribution:

Regional Administrator

Region

With Attachments

Bob Perciasepe
Deputy Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460
Informational Purposes Only-No Attachments

Submitted by:

Special Agent in Charge Office of Professional Responsibility

Approved by:

Deputy Assistant Inspector General for Investigations Office of Investigations

Fellin 4/1/14

Reviewed by:

Patrick Sullivan

Assistant Inspector General Office of Investigations

OFFICE OF INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

CASE NO .:

OI-AR-2012-ADM-0190

DATE OPENED:

4/24/2012

CASE TITLE:

SES,

CASE AGENT:

(ET AL)

CASE CATEGORY:

EMPLOYEE INTEGRITY

REGION

OFFICE:

OFFICE OF

INVESTIGATIONS -HEADQUARTERS

JOINT AGENCIES:

NONE

JURISDICTION:

SECTION A - NARRATIVE

Introduction

On or about April 24, 2012, the Environmental Protection Agency (EPA), Office of Inspector General (OIG), hotline received an anonymous complaint, via email, alleging that EPA, had a sexual relationship with a subordinate EPA employee (EPA employee), and that because of this sexual relationship, the EPA employee received a large cash award and was promoted over other more qualified candidates. Additionally, a separate allegation that two other EPA officials also had inappropriate relationships with their subordinates was reviewed and found to be without merit². During the course of the investigation, three additional issues were addressed. The OIG investigated the following:

- and the EPA employee had a close personal relationship that presents the potential appearance of impartiality in supervision of the EPA employee.
- used EPA computer and EPA email account for matters related to a non-profit organization, the including communicating with the EPA employee about the
- had a sexual relationship with the EPA employee and, because of the sexual relationship, gave the EPA employee cash awards and promotions (Exhibit 1).

Possible violation(s)

Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.502 Standards of Ethical Conduct for Employees of the Executive Branch, 5 C.F.R. Part 2635.705(b)

http://www.

2

¹ This EPA employee requested confidentiality, which is why in this Report of Investigation, along with the associated exhibits, his/her name is redacted.

² Since these additional allegations were unsupported, and have no relevance to this Report of Investigation, the names of those individuals have been redacted.

EPA's Appendix-Guidance on Corrective Discipline, EPA ORDER 3120.1

Impact/Dollar Loss

The non-adherence to EPA policy and regulations could diminish the public trust, the integrity of the office, and program functionality.

Synopsis

The initial allegation that engaged in a sexual relationship with a subordinate EPA employee w	vas
unsupported. Therefore, the sub-allegation that	
promotions due to a sexual relationship was not substantiated. However, had a close personal	
relationship with the EPA employee, which included the EPA employee's	
which raises the potential appearance of impartiality of supervision of the EPA	
employee. EPA computer	and
email for matters and on one occasion asked the EPA employee, via email, to	
review a document for the	

Details

Investigation Disclosed Allegations Supported

Allegation 1:

and a subordinate EPA employee had a close personal relationship that presents the potential appearance of impartiality in supervision of the EPA employee.

Allegation 1 Findings:

Allegation supported. The investigation disclosed that subordinate EPA employee, which described as such.

Allegation 1 Investigative Results:

On March 27, 2013, was interviewed and asked if had a personal relationship with the EPA
employee aside from his/her volunteer work for non-profit organization, the
responded that did know the EPA employee both closely and personally, and that they did talk
about personal things that happened in their respective lives. Stated there is a "perception" in the
office and that the EPA employee is a "victim" because they (and the EPA employee) have a
close working relationship. explained that the EPA employee had gone through some tough times
and that was there to support the EPA employee. added that it would be easy to misunderstand
that they (and the EPA employee) had a sexual or personal relationship; however, tried to be
nothing other than a mentor. added that had a personal relationship with many of staff,
since they all attended Christmas parties and other group functions together. denied ever having a
sexual relationship with the EPA employee (Exhibit 2).

On March 27, 2013, the EPA employee was interviewed and asked about his/her relationship with The EPA employee explained that, for a short period of time, the EPA employee and had

OI-AR-2012-ADM-0190

physical, but non-sexual, contact that the EPA employee may have initiated. The EPA employee indicated that he/she considers a friend and a good person. The EPA employee stated that he/she had "no hostility whatsoever" towards and that there was no abuse of authority on part. The EPA employee also stated he/she did not feel threatened by protect (Exhibit 3).
during March 27, 2013 interview, was asked if had a relationship outside of work with the EPA employee. Tresponded, "Yes, as it relates to charitable organization." confirmed the EPA employee charitable organization. stated that there could be an appearance issue, but that the EPA employee did not have to volunteer his/her time. stated that was only "guilty" of one thing, which was having a relationship with an employee who charitable organization. explained that it was unacceptable to look like an abuse of power over employees (Exhibit 2).
The EPA employee was asked if he/she had a personal relationship with The EPA employee stated that he/she did have a limited personal relationship and that they both volunteered for an organization called the (Exhibit 3)
Allegation 2:
used EPA computer and EPA email account for matters related to a non-profit organization, the including communicating with the EPA employee about the
Allegation 2 Findings:
Allegation supported. A review of keywords relating to the asked him/her to review a swell as an email from to the EPA employee which asked him/her to review a
Allegation 2 Investigative Results:
A breakdown of the keywords of emails from 20 -20, which relate to the is as follows (Exhibit 4):
Keyword email account
13
2
2 2
6
1

Total: 30

OI-AR-2012-ADM-0190	
On February 2, 2009, sent an EPA email to the EPA employed take a look at this for format? I need to keep it to one page. Thank The attachmet (Exhibit 5).	e asking: "[EPA employee] can you s." The email attachment was titled ent was a letter concerning a
Investigation Disclosed Allegations Un	supported
Allegation 3:	
had a sexual relationship with a subordinate EPA employee ar relationship, gave the EPA employee cash awards and promot	nd, because of the sexual ions.
Allegation 3 Findings:	
Allegation unsupported. This investigation did not reveal evidence engaged in a sexual relationship with a subordinate EPA employee the EPA employee cash awards and promotions because of a sexual	loyee. Therefore, did not give
Allegation 3 Investigative Results:	
denied ever having a sexual relationship with the EPA employed denied having a sexual relationship with although the EPA en in some physical contact (Exhibit 3). Stated that any awards the nothing to do with a personal relationship between them (Exhibit 2) he/she and sever discussed his/her receiving promotions or born they, "Never talked about it." (Exhibit 3)	imployee did state that they engaged the EPA employee received had 2). The EPA employee was asked if
was also asked if the EPA employee's volunteer work for the authorization of any awards or promotions the EPA employee rece or awards the EPA employee's received had "nothing" to do with and that would, "put [the EPA employee's] work organization." explained that the EPA employee was an outstar who did the job of two people, including that of a GS-15. explained to a GS-was promoted to	him/her volunteering for the against anybody in the anding professional and performer, ained the EPA employee started as the EPA employee worked at a very the EPA employee was on a career

A review of the EPA employee's cash awards from to showed he/she received yearly cash awards in the average amount of approximately \$2,000.00, with a high of \$ and low of (Exhibit 6).

employees saw that the EPA employee was being promoted quickly, but they were not performing at the same high level as the EPA employee. stated the EPA employee had potential due to a hard

work ethic, and excellent performance (Exhibit 2).

Disposition

This Report of Investigation is being provided to Regional Administrator, Region for your review and any administrative remedies or actions you deem appropriate.

SECTION B - ENTITIES AND INDIVIDUALS

Name:	
Title & Company:	Region EPA
Role: Subject	
Business Address:	Floor,
EPA Employee: Yes	

SECTION C - PROSECUTIVE STATUS

ADMIN/CRIMINAL/CIVIL ACTION(S):

This case was investigated as a purely administrative matter. As such, no criminal declination was sought or received from the United States Attorney's Office.

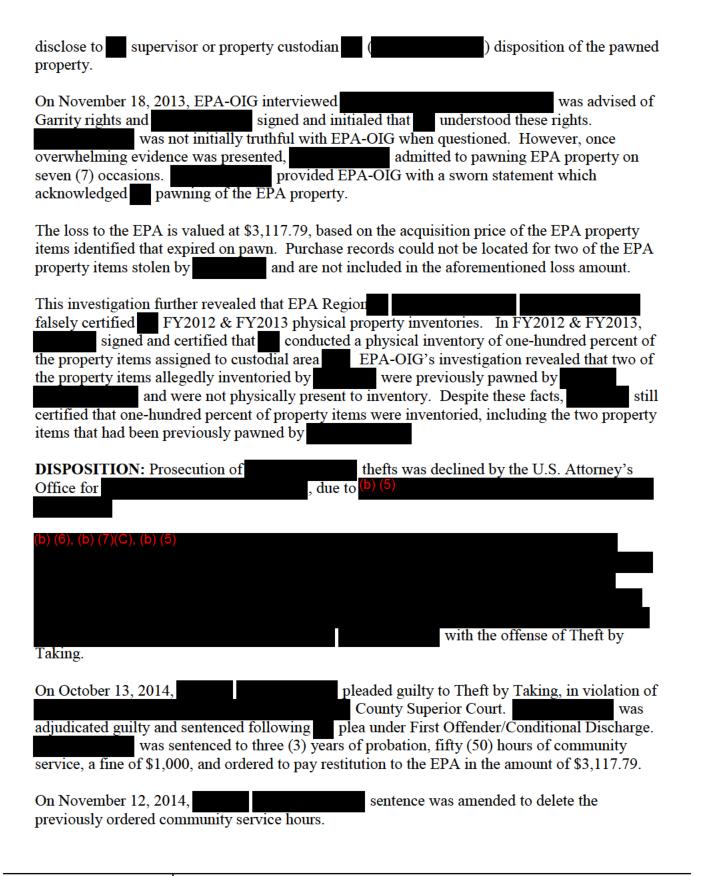
EXHIBITS

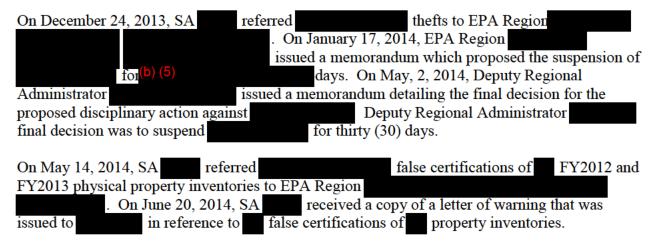
DESCRIPTION	EXHIBIT
Complaint Initiation	1
Memorandum of Interview, dated March 19, 2013	2
Memorandum of Interview, EPA employee dated March 18, 2013	3
Memorandum of Activity, Forensic Review of accounts dated February 11, 2014	4
Email dated February 2, 2009 from to EPA employee	5
Memorandum of Activity, EPA employee Promotions and Awards	6



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF INSPECTOR GENERAL

DATE: NOVEMBER 25, 2014	PREPARED BY:	
CASE #: OI-AT-2014-CAC-0002	2 CROSS REFEREN	CE #:
TITLE:	EPA REGION	
C	ASE CLOSING REPORT	
Subject(s)	Location	Other Data
	EPA REGION ,	
VIOLATION(S): 18 U.S. Code § Code, Title 3120.1(10), Stealing, actual or atte property of others (infamous, dishonest, immoral or re	Theft by Taking (empted, unauthorized possession EPA Order 3120.1 (7) Cond	EPA Order
EPA Order 3120.1(27) Forging or	falsifying official Government	records or documents
		y inventories by certifying that
FINDINGS: EPA Region EPA property on seven (7) separar receiving \$490.00 from the pawn (7) separate occasions from July 2 of the pawned items. However, or subsequently pawned a second tint total of five (5) of pawn loans expansion was dishonest with missing assigned camera. for employees to provide information	loans. pawned 2012 through September 2012. Inly one (1) item was returned to ne by and the property was never the the area property custodian was supervisor,	awn loan period expired. A returned to the EPA. then questioned about provided an opportunity





Case is recommended for closure.



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF THE INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

REFERRAL REPORT OF INVESTIGATION CONCERNING

OI-AT-2014-CAC-0002

TABLE OF CONTENTS

Narrative Entities and Individuals Exhibits Section A Section B

Distribution:
Office of the County District Attorney

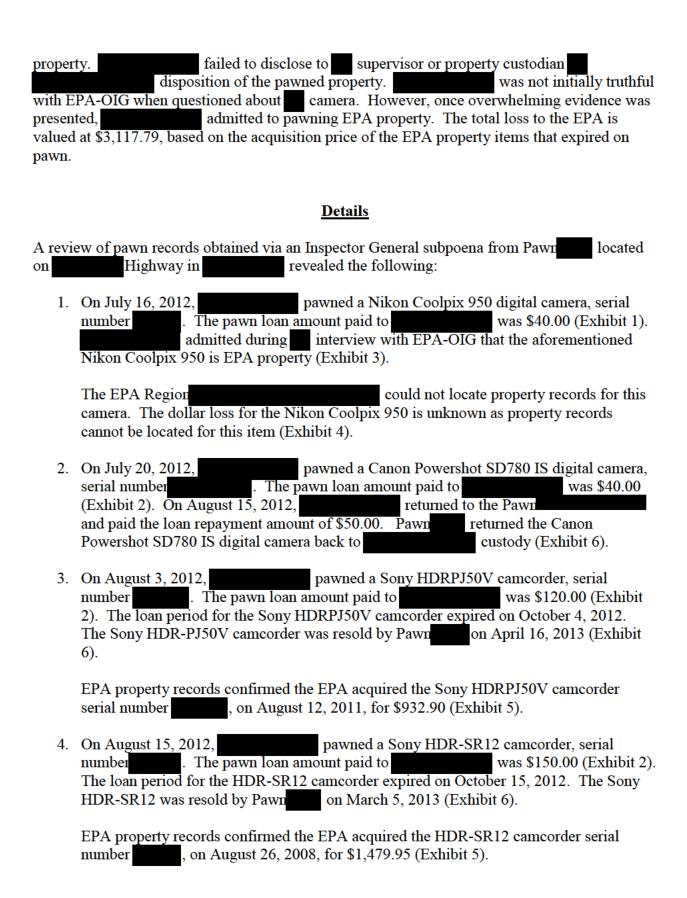
Approvals:
Special Agent

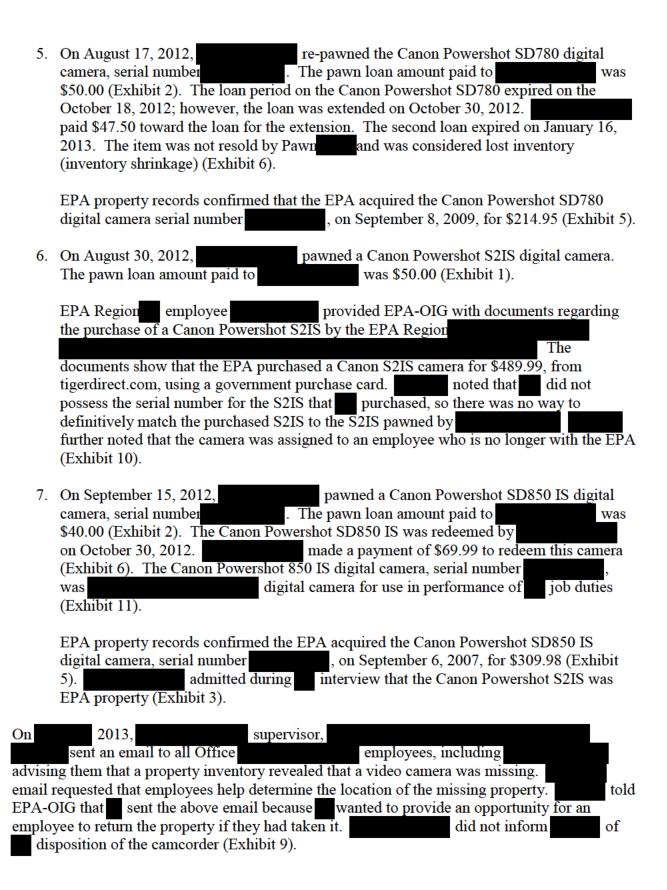
OFFICE OF INSPECTOR GENERAL OFFICE OF INVESTIGATIONS

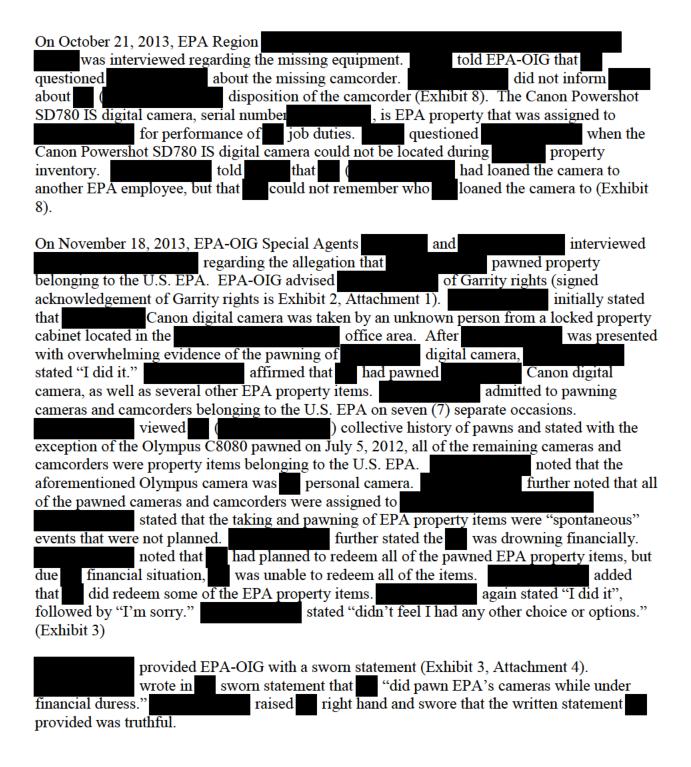
DATE OPENED: October 22, 2013	
CASE TITLE:	CASE AGENT: SA
JOINT AGENCIES: None	OFFICE: Field Office
	der the authority of EPA-OIG because it involves g to the U.S. Environmental Protection Agency.
SECTION A	A - NARRATIVE
Intr	<u>oduction</u>
On October 21, 2013, EPA-OIG Special Agent investigation for the purpose of locating stolen investigation utilized the database (b) (7)(E) On October 21, 2 EPA Canon digital camera identified by EPA I damaged, or destroyed, into the (b) (7)(E) that a Canon digital camera (b) (7)(E) Pawn , by with EPA Region	EPA Region property. This proactive
<u>Impact/</u>	Dollar Loss
The loss to the U.S. EPA is valued at \$3,117.7	9.
Sy	nopsis
the EPA; the other redeemed item was subsequ	sions from July 2012 through September 2012. tems. However, only one (1) item was returned to nently pawned a second time by five (5) of pawn loans expired and the property was dishonest with the area property custodian

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provided an opportunity for employees to provide information about the missing







SECTION B - ENTITIES AND INDIVIDUALS

Name:	
Title & Company:	, U.S. Environmental Protection Agency
Grade: GS	
Role: Subject	
Home Address:	
Work Address:	Floor,

EXHIBITS

DESCRIPTION	EXHIBIT
MOA – Review of (b) (7)(E) Results	1
MOA – Review of Original Pawn Tickets	2
MOI – Interview of	3
MOA – Review of Response, Canon S2IS and Nikon Coolpix 95	0 4
MOA – Review of EPA Property Records	5
MOA – Review of Pawn History and Disposition Records	6
MOA – Review of Report of Survey FY13-15	7
MOI – Interview of	8
MOI – Interview of	9
MOA – Review Canon S2IS Purchase Records	10
MOA – Property Emails	11



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY OFFICE OF INSPECTOR GENERAL

DATE: JULY 14, 2014	PREPARED BY:			
CASE #: OI-AT-2014-CAC-00	O92 CROSS REFEREN	CE #:		
TITLE: UNKNOWN SUBJECT: THREAT LETTER ADDRESSED TO R4 ADMINISTRATOR				
CASE CLOSING REPORT				
Subject(s)	Location	Other Data		
UNKNOWN SUBJECT	ASHEVILLE, NC			
VIOLATION(S): 18 U.S. Code § 876 - Mailing threatening communications				
ALLEGATION: An unknown subject sent a letter to the EPA Region IV Administrator which stated "go to hell Monsantos and the Federal government, we're taking you out."				
FINDINGS: Through investigation it was determined that the handwritten, anonymous, and undated threat letter was written during an environmental activist event held by the group First Saturday at the Altamont brewery in Asheville, NC, on May 3, 2014. Investigative interviews revealed that First Saturday membership is somewhere between seven (7) and twenty (20) members. First Saturday meets on the first Saturday of each month to discuss clean water issues. , described First Saturday as a group whose goal is to motivate people to use their voice for environmental concerns.				
Investigative interviews revealed that the event at the Altamont brewery benefited the Western North Carolina (WNC) Alliance. First Saturday member advised that the WNC Alliance was the first to sue Duke Energy after Duke Energy's coal ash spill. further advised that the event was also a means to advocate for clean water issues and to address issues involving coal ash. Based on interviews, an estimated that fifty (50) to one-hundred (100) people attended the event at the Altamont brewery and the event lasted several hours in length. An interview with an attendee indicated that did not attend the event because of the group hosting the event, but instead because				
letter to the EPA.	e event that provided raffle tickets . Monsanto or making any threats a	stated did not hear		

while working the booth. noted that the letters to the EPA were intended to address		
clean water issues. First Saturday mailed the letter for the participants.		
First Saturday did not review the letters before mailing them, but that felt that it was		
something that the group should now do. added that was surprised that the threat		
letter referenced Monsanto since the event did not address Monsanto or GMO's (genetically		
modified organisms). reiterated that the event was intended to address clean water		
issues. did not know who wrote the threat letter.		
EPA-OIG also interviewed		
advised that did not know who wrote the threat letter to the		
EPA further advised that did not hear anyone at the event discussing their dislike		
of Monsanto or the Federal government.		

DISPOSITION: Interviews with three of the event attendees, including two of the members of the group First Saturday which held the event at the Altamont brewery, provided no further leads to trace the anonymous threat letter. Case is recommended closure. Case may be reopened upon presentation of new leads.